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work is unique in its class for its extent, completeness, and thoroughness.

Eichler was a man of strong will, having a great capacity for labor, and with a sensitiveness to duty which allowed him no rest so long as his physical strength endured. During the last ten years of his life, however, he suffered much from disease, which revealed itself in 1886 as the fatal malady known as leukæmia.

He was elected Member of this Academy in 1885, as successor to George Bentham. His name has been given to a Brazilian genus of Geraniaceæ.

HENRY JAMES SUMNER MAINE.

Sir Henry James Sumner Maine was born in the year 1822. He was a son of the physician, Dr. James Maine. He was educated at Christ's Hospital, and at the University of Cambridge, where he received many honors for his excellent scholarship. The Craven Scholarship was given him, and medals for Latin and English verses. He was Senior Classic, Senior Chancellor's Classical Medalist, and Senior Optime in Mathematics. He took his degree in 1844. He did not receive a fellowship from his own College, Pembroke. There were no Pembroke fellowships vacant at the time. He received one from Trinity Hall, and took up his residence there. He was Tutor in the College, and afterwards, at a later period of his life, its Head Master.

Between the years 1844 and 1847 he must have been mainly occupied with the study of Jurisprudence; for in 1847 he was made Regius Professor of the Civil Law in his University. Three years later, in 1850, he was called to the bar, and became a member both of Lincoln's Inn and of the Middle Temple. At the Middle Temple he was Reader in Jurisprudence and the Civil Law, and delivered the lectures which were afterwards (in 1861) published under the title of Ancient Law. The lectures were delivered in the beautiful old hall of the Middle Temple, — the same hall where, in 1601–2, Shakespeare's Twelfth Night was performed.

The Ancient Law is almost the first book in our language in which Jurisprudence is treated from a strictly scientific point of view. It is almost the first attempt to explain the development of legal ideas according to the doctrine of evolution. The book is composed in a very simple and lucid style, so that it is interesting not merely to students of legal history, but to scholars generally; it has been very much read, both in England and in foreign countries; and it has brought

to its author a great and deserved reputation. In 1862, almost immediately after the publication of the Ancient Law, Maine was appointed legal member of the Government Council in India, and he accepted the appointment. This was the beginning of his connection with the government of India, — a connection which lasted until his death. Maine was in India seven years. He returned to England in 1869. Two years later he was created Knight Commander of the Order of the Star of India (K. C. S. I.), and at the same time was appointed a member of the Council of the Secretary of State for India.

Maine's academic work was laid aside during his absence in India, but he resumed it after his return to England. In 1870 he was made Corpus Professor of Jurisprudence at the University of Oxford, — the professorship being created especially for him. It was at Oxford that he composed some of his most interesting lectures. They were delivered in the hall of Corpus Christi College, to large audiences, made up mostly of graduates. Maine was a good lecturer, in spite of the fact that his lectures were always "chapters of books read aloud." The presence of the man was fine, his voice and manner were good, and we know how interesting the lectures were in matter, having read the books in which they were afterwards published; — Village Communities in the East and West (1871); Lectures on the Early History of Institutions (1875); and Dissertations on Early Law and Custom (1883).

In 1875 Maine gave the Rede Lecture at Cambridge on the Effect of the Study of India on Modern European Thought. In 1878 he delivered a lecture on Modern Theories of Succession to Property. He was a frequent contributor of articles to newspapers and magazines. Among the more important of the contributions to magazines are the Essays on Popular Government, which appeared first in the Quarterly Review, and afterwards (in 1885) in book form. Maine held his professorship at Oxford until 1878, when, being appointed Head Master of Trinity Hall at Cambridge, he returned to his own University. Last year he received at Cambridge the Whewell Professorship of International Law, and gave one course of lectures on this subject. His usefulness in Cambridge was not, however, limited to his lecturing and teaching there. His personal influence over his College, and over the whole University, was good in every way, and his loss will be deeply and sadly felt.

In 1849, just before he was called to the bar, Maine married his cousin, a daughter of George Maine. They had three children, two of whom, both sons, are living.

Maine was never a strong man. As a youth he was frequently ill. His stay in India benefited him in respect to his health, and he was stronger after his return. He was well enough, as a rule, to work moderately hard, and to perform satisfactorily the duties of his various appointments. But early in this year, 1888, he felt very feeble and nervous, and decided to go to the South of France for a rest. On the 3d day of February, while he was at Cannes, he had a stroke of apoplexy, and died in a few hours. He was buried at Cannes on the 8th.

Sir Henry Maine was a Fellow of the Royal Society, a Foreign Associate of the Institute of France, being chosen in the place of Emerson, and he was elected Foreign Honorary Member of this Academy, November 14, 1866, in place of Whewell.

Having reviewed the principal events of Maine's life, we must now consider his life's work, its character and its value. The work distributes itself into two departments, one of scholarship, and one of statesmanship. Maine spent as much as half of his life's energy in connection with the government of India. As legal member of the Government Council, an office previously held by Macaulay and subsequently by Fitz James Stephen, Maine drafted many important statutes. Among others, the Successions Act and the Marriage Act of 1865; the Companies Act of 1866; the General Clauses Act of 1868; and the Divorce Act of 1869. These statutes, particularly the Successions Act, are described as models of comprehensive thought and direct expression. No one, however, not an expert in Indian affairs can speak with authority regarding them. Nor is it possible for us to estimate the value of Maine's work as adviser of the government in its councils, commissions, and committees. We can only record what we have heard from others who were associated with him. They speak of him as a man of great good sense and wisdom, a man who kept his temper under all circumstances, and a most pleasant man to be associated with.

We hear of certain complaints of office clerks, who say that Maine was very unwilling to do routine work and shirked it when he could. It is well that he did so. A man of Maine's mental power and capacity of understanding ought not to waste his energies in routine work, which is mostly thoughtless work, when there are so many people everywhere who are especially fitted for it. We must remember that Maine was not a strong man, physically; he had to save his strength as much as possible. Perhaps he was not a hard worker, in the ordinary sense of the phrase; but he was certainly a hard thinker.

Maine was naturally a very quiet man; he disliked publicity; he liked to do his work, whatever it was, in a private way. He avoided public life and public speaking. When at one time it was proposed that he should go into Parliament, as representative of Cambridge, he declined; and when Mr. Gladstone offered him the office of Chief Clerk of the House of Commons, after the resignation of Sir Erskine May, he declined again. He was willing to serve the public, and did so in connection with the government of India, and in all the work of his life, indeed; but his service was done very quietly and unostentatiously. Maine was in temper cautious, not to say timid, and very conservative. He was always ready and willing to discuss a state of affairs, and he was willing to suggest measures of reform and change; but he did not like to commit himself even to the measures he suggested, and objected to taking any leadership in connection with them. Maine liked to hold his judgment free: he would state an opinion and state it distinctly; then he would qualify it with an *if* or a *perhaps.* This characteristic is plainly exhibited in all his writings. It is very irritating to those who like to engage in personal controversies. They take up Maine's opinions, and argue against them, as his opinions. Then he says that they were rather suggestions than opinions; and that he never invited, nor proposed to enter into, any controversies regarding them. Maine disliked personal controversies, and avoided them as much as possible. We have seen a letter he wrote some years ago, in which he objects to the method of a certain teacher of history, who was in the habit of encouraging his pupils to enter into controversies. Maine objected to anything like enthusiasm or zeal in the pursuit of scientific truths. He himself worked in a very quiet, cautious, conservative spirit, and wished to have others work in the same spirit. He held to the principle, that it is not men we have to qnarrel with in this world, but false and injurious ideas, which the very best of men may hold with the best of motives. We gather another principle out of Maine's life, — that we are responsible, not for other people's ideas, but for our own. It is our own ideas which we must look after and correct and perfect, not those of other people. Maine was not a man to undertake or to carry out reforms. The successful reformer must be sure of his views, confident of his cause, and he must be eager to defend his cause against every form of opposition, and zealous in getting other men to take it up and help defend it. But Maine longed not so much to establish his views as to correct them. He was always expecting out of one idea to get another and better one. So he kept his mind, not in the state of conclusion, but in a state of

transition from one idea to another. Maine's disposition and temper of mind were essentially scientific and scholarly. Maine's work as a statesman was the work of a scholar and literary artist in the field of statesmanship. He drafted statutes, he formulated opinions on political questions, and expressed them finely, but his motive was, in all this work, scientific and artistic, not practical.

It is as a scientific man and as a man of letters that Maine will be remembered, not as a statesman. He will not be remembered as the man who drafted certain statutes and gave his advice in connection with the government of India, but as the author of the "Ancient Law." The Ancient Law is certainly one of the great books of this century, remarkable in its contents and in its consequences. The book was published in 1861, only fifteen months after the publication of Darwin's Origin of Species. There is an interesting and significant connection between the two books. We have in Darwin's work the application of the doctrine of evolution to the history of organic life. We have in Maine's work the application of the same doctrine to our intellectual life in some of its chief phases or aspects. A new purpose and a new method of study were given to students in the field of custom, law, and politics. The purpose was to explain existing social, legal, and political ideas according to a theory of evolution, development, diversification, or differentiation. The new method of study by which it was proposed to discover the natural order and succession or generation of social, legal, and political ideas was that which Darwin had employed to discover the order in which organic forms in plant and animal life have been evolved. It was the comparative method of the naturalist. The method is described by Maine as follows. "We take," he says, "a number of contemporary facts, ideas, and customs, and we infer the past form of those facts, ideas, and customs, not only from historical records of that past form, but from examples of it which have not yet died out of the world and are still to be found in it. . . . Direct observation comes thus to the aid of historical inquiry, and historical inquiry to the help of direct observation."

Of course the question comes up whether this method is applicable to the phenomena of mind, whether we can hope to explain by it the developments of the human intelligence, and find out what were the primitive, elementary thoughts and practices of mankind. Our ideas are very largely the result of external conditions and circumstances. They are composed out of experiences, and experiences differ. It might be inferred from this that the comparative method would be inapplicable to the field of intellectual life. We might not expect to dis-

cover any regular order in the development of ideas. We must not forget, however, that among the external conditions and circumstances according to which our ideas are formed are to be enumerated all the traditions, practices, and works of our forefathers, which in one way or another express their ideas. So it happens that the thoughts of one generation of men are very largely determined by those of preceding generations; and we discover in the study of historical records that there has been in every branch of the human race a very regular order in the development and diversification of ideas, corresponding remarkably well with the development and diversification of physical characteristics among plants and animals. When, therefore, we know from similarity of physical characteristics that two races were once associated in a common origin, we infer by a very sure hypothesis that they started in their independent existence with certain common ideas and common practices, and the question arises, What were these ideas and practices? The comparative method is the method which we employ in trying to answer the question. We must, however, in order to reach any certain results by means of the comparative method, have clear, unquestionable early records, on the one hand, and well understood ideas and practices on the other, and an unmistakable coincidence between them. Early records are apt to be few and doubtful in character, and it is very difficult, often impossible, for a civilized man to understand the ideas and practices of savages and barbarians; so it is very improbable that we shall reach any trustworthy conclusions in regard to the beginnings of intellectual life and the origin of human society. This was clearly Maine's idea. He says: "It was no part of my object to determine the absolute origin of human society. I have written few pages which have any bearing on the subject, and I must confess a certain distaste for inquiries which, when I attempt to push them far, have always landed me in mud-banks and fog." We may not be able, perhaps, to solve the problems of primitive life by the comparative method, but there are innumerable very interesting developments of the human intelligence which we can make out clearly. Maine has described some of these developments in a most striking and interesting way, in his Ancient Law, and in the books which were published during the period of his Oxford Professorship, — Village Communities, The Early History of Institutions, and Early Law and Custom.

Some of Maine's theories have met with adverse criticism. His theory that the patriarchal idea is a primitive idea has been opposed by a number of well known and able writers, who maintain that the primitive social unit was not the family under the headship of the father, but

the horde, — "a company of men and women in which the relations of the sexes were wholly unregulated at first, but passed through various stages of limitation or restriction until the family, patriarchal or other, was reached." Maine did not, I think, maintain that the patriarchal idea was the only idea governing the organization of primitive society, but he maintained that it was one of the governing ideas, and one of the most important. It was not an idea reached, but an idea started with. His arguments upon this theme are to be found in his Early Law and Custom. Another theory which has met with adverse criticism is the theory that the Russian *mir*, with its periodic redistributions of land in equal lots, gives us an idea of the primitive village community. Maine's theory is that private property in land has arisen in consequence of the "disentanglement of individual from collective rights"; that the earliest form of landed property is found in a kind of communistic partnership. The theory which is opposed to this one is, that the idea of personal and private ownership is at least as ancient as the idea of collective ownership. It is suggested that a communistic partnership among kinsmen means simply that an inheritance, once the holding of an individual, is not yet divided. As for the Russian *mir*, it leads us neither to one theory nor to the other. Since Maine first wrote about it, it has been shown to be in its present form a comparatively modern institution. The redistributions of the land into equal lots appear to be the result of a system of equal (*per capita*) taxation. The practice cannot be traced back more than two or three hundred years. The village community of India, in which the land is a partly divided, partly undivided inheritance, may be regarded as the earlier type of village. Another of Maine's theories which may be objected to is the theory that "the typical manor arose out of the village community." It has been maintained, against this view, that the two institutions, the manor and the village community, arose side by side, and then one or the other became dominant. It is as easy for the manor to become a village community as for the village community to become a manor. When the manorial estate is divisible among the heirs, it tends to become a village community. When the chieftainship over a village community becomes hereditary, but is indivisible, the village community tends to become a manor.

In view of all these theories and counter theories, and of the fact that a great deal can be said in support of every one of them, on both sides, we cannot but feel that the object of historical researches is not so much to find out the order in which ideas have occurred to mankind, and the chronological sequence of human institutions, as it is to find

out, first, the consequences of certain ideas, what institutions they give rise to, and, secondly, the consequences of certain institutions, what ideas they suggest.

The works and institutions of a people are expressive of its ideas. They are the monuments and records of its intellectual life. At the same time, the ideas of a people are determined almost wholly by its works completed and institutions established. Ideas produce institutions, and institutions produce ideas. So the question for the historian and philosopher is what ideas have produced the best institutions, and what institutions have produced the best ideas; for we want to cultivate the ideas which have had the best issues, and we want to establish the institutions which give us the best ideas.

Perhaps Maine had some such thoughts as these in his mind when he wrote his Essays on Popular Government. He takes up in these essays the idea of popular government, the idea of democracy, and he describes its growth and the institutions to which it has given rise. When the book was published, first in the Quarterly Review and afterwards in book form, it was described as "a rattling Tory pamphlet under the disguise of philosophy." Mr. John Morley is, I believe, responsible for the epigram. It is amusing, but inapplicable. The book is a compendium of Maine's political philosophy, written, as all his books were, without any practical motive or purpose, and with perfect sincerity. Maine takes an unfavorable view of popular government. He surveys its history, and observes that it is not an energetic form of government, not efficient, not economical, not very successful. He concludes that a democratic assembly is incapable of governing a great nation as it should be governed. He says that the most successful form of government has been, not that of the many, but that of the few. This is all very true. Democracy considered simply as a means of government is not very active, efficient, or economical. It is spendthrift both of mental and of physical forces. Nor has it been in the experience of the past very successful as a means of government. But we must not consider democracy as a means of government simply. It is much more than that. It must be regarded as an educational institution. Here lies its highest utility and surest success. Democracy is the most comprehensive educational institution that has ever been established.

Taking Maine's point of view, and considering democracy merely as a means of governing states and nations, we may, reasonably enough, agree with him. But we need not take his point of view. Instead of considering merely the institutions to which the idea of democracy has

given rise, we may consider the ideas which have arisen in consequence of the establishment of democratic institutions. What has been the effect of these institutions upon the human mind? Have they not had a great and noble effect? Can the institutions of monarchy and oligarchy show anything like it? Maine's view of popular government seems to us a narrow and very unsatisfactory one. It is in the field of historical inquiry and theory that we follow Maine with most profit. It is in this field that he did his best work, — discovering and describing historical developments, and making them interesting to pupils and readers. We see in Maine almost the ideal teacher. There are two kinds of teachers, — those who give us knowledge, and those who give us the love of knowledge. These last are the best teachers, and Maine is one of them. He was not merely an investigator, a collector of facts and statistics. He was also an artist. He was able to compose the facts and statistics which he gathered together into interesting ideas. Here lies the secret of his great reputation and success. Other men have studied the records and survivals of the past as diligently as he; some men have surpassed him as investigators. He was sometimes a little careless in accepting statistics without verifying them, without tracing them to their original sources, and making sure of them. He was not so patiently laborious in the examination and criticism of historical records as some of his contemporaries; but he surpassed them all in the art of composing his materials into interesting and significant ideas. He was a man of imagination, — of comprehensive imagination. More than that, he was discriminating in regard to the materials out of which he composed his ideas. Nothing is easier than the composition of ideas out of facts, when one has imagination. Wherever there is imagination, there is a plentiful supply of ideas; but it does not follow that the ideas are in any high degree significant or valuable. The value of an idea depends upon the importance of the facts or statistics which it comprehends. No one has ever understood this better than Maine. "All generalization," he says, "is the product of abstraction; all abstraction consists in dropping out of sight a certain number of particular facts, and constructing a formula which will embrace the remainder; and the comparative value of general propositions turns entirely on the relative importance of the particular facts selected, and of the particular facts rejected. The modern facility of generalization," he adds, "is obtained by a curious precipitation and carelessness in this selection and rejection, which, when properly carried out, is the only difficult part of the entire process. General formulas which can be seen on examination to have been arrived at by attending only to par-

ticulars, few, trivial, or irrelevant, are turned out in as much profusion as if they dropped from an intellectual machine." Maine shows not only a great power of imagination, but very unusual discrimination in regard to the materials he allows his imagination to work upon. The result is, that his ideas, and the writings in which they are so well expressed, have a permanent interest and value.

HUGH ANDREW JOHNSTONE MUNRO.

An inadvertence has caused the retention on our honorary roll of the above name, although in point of fact its bearer died at Rome on the 30th of March, 1885. At the time of his decease he ranked as the first Latin scholar in the British Empire, and was recognized as the compeer of the best classical scholars in the world.

Hugh Andrew Johnstone Munro was born at Elgin, Scotland, in 1819. His education as a boy was mainly conducted at Shrewsbury School, under Dr. Benjamin Hall Kennedy as Head Master. Shrewsbury School is not so famous as Winchester and Eton, as Westminster or Harrow; and certainly it has to Americans none of the somewhat factitious renown which they have learned to attach to Rugby. But at the English Universities, and among cultivated Englishmen generally, Shrewsbury has a fame second to no school for producing first-rate scholars; and it would be hard to convince any pupil of Dr. Kennedy's that he had ever had his superior among the schoolmasters of England.

The taste and practice of the Shrewsbury scholars ran always in the direction of rigid accuracy rather than varied reading. Munro preserved the school traditions as to the first; but he bettered the instruction as to the second. Few scholars have been broader.

He entered Trinity College, Cambridge, in 1838; was chosen Craven University Scholar in 1841; was "Senior Optime" (second class) in the Mathematical Tripos of 1842, and Second Classic and First Chancellor's Medallist in the same year. His successful competitor for the highest classical honors was the Hon. George Denman, now Mr. Justice Denman, a son of Queen Caroline's defender, Lord Chief Justice Denman. Munro became a Fellow in 1843; and as he never married, and took orders in the Church of England, he retained his fellowship till his death.

Munro was in due time chosen on the staff of instruction in his college, and gave early proof of his powers as a critic by a paper before the Cambridge Philosophical Society, in which he contested Dr.